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Revised PTO/SB/28 (02/01)

#18  
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## CONTINUED PROSECUTION APPLICATION (CPA)

JUN 11 2001

## REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing

TECH CENTER 1600/2900

CHECK BOX, if applicable

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

[ ] DUPLICATE

Address to:  Assistant Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No.	00001/F-3511 PT-US
	First Named Inventor	Takeshi SAKAI et al.
	Express Mail Label No.	
	Total Pages	

This is a request for a [X] continuation or [ ] divisional application under 37 CFR 1.53(d) (continued prosecution application (CPA)) of prior application number 09/269,711, filed on April 5, 1999, entitled APOPTOSIS INDUCING AGENT.

NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 USC 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

**35 USC 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 USC 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1. [X] Enter the unentered amendment previously filed on May 7, 2001 under 37 CFR 1.116 in the prior nonprovisional application.
2. [ ] A preliminary amendment is enclosed.
3. [ ] This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).  
a. [ ] **DELETE** the following inventor(s) named in the prior nonprovisional application:

b. [ ] The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. [ ] A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. [ ] Information Disclosure Statement (IDS) is enclosed:  
a. [ ] PTO-1449  
b. [ ] Copies of IDS Citations

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	<b>TOTAL CLAIMS (37 CFR 1.16(c))</b>	<b>8 - 20 =</b>		<b>0 x \$18 =</b>	<b>\$0.00</b>
	<b>INDEPENDENT CLAIMS (37 CFR 1.16(b))</b>	<b>1 - 3 =</b>		<b>0 x \$80 =</b>	<b>\$0.00</b>
	<b>MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))</b>			<b>+ \$270 =</b>	<b>\$0.00</b>
				<b>BASIC FEE (37 CFR 1.16(e))</b>	<b>\$710.00</b>
				<b>Total of above Calculations =</b>	<b>\$710.00</b>
				<b>Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28):</b>	<b>\$</b>
					<b>TOTAL =</b>
					<b>\$710.00</b>

6.  Small entity status:

- a. Small Entity Statement is hereby asserted.
- b. Is no longer claimed.

7.  The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 23-0975.

- a. Fees required under 37 CFR 1.16.
- b. Fees required under 37 CFR 1.17.
- c. Fees required under 37 CFR 1.18.

8.  A check in the amount of \$820.00 is enclosed.

9.  Applicant requests suspension of action under 37 CFR 1.103(b) for a period of months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.

10.  Return Receipt Postcard.

11.  Other: Petition for a one month Extension of Time is attached herewith.

**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

#### 10. NEW CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label

or  New correspondence address below

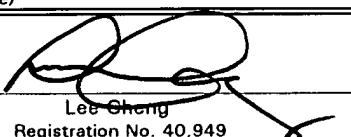
(Insert Customer No. or Attach bar code label here)

#### 12. CORRESPONDENCE ADDRESS



000513

PATENT TRADEMARK OFFICE

By: \_\_\_\_\_  
  
 Lee Cheng  
 Registration No. 40,949

WENDEROTH, LIND & PONACK, L.L.P.  
 2033 "K" Street, N.W., Suite 800  
 Washington, D.C. 20006-1021  
 Phone:(202) 721-8200  
 Fax:(202) 721-8250

June 7, 2001



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JUN 11 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Takeshi SAKAI et al.

Serial No. 09/269,711

Filed April 5, 1999

APOPTOSIS INDUCING AGENT

: Attn: BOX CPA

: Docket No. 00001/F-3511 PT-US

: Group Art Unit 1617

: Examiner S. Wang

PATENT OFFICE FEE TRANSMITTAL FORM

Assistant Commissioner for Patents,  
Washington, DC 20231

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

Sir:

Attached hereto is a check in the amount of \$820.00 to cover Patent Office fees relating to filing the following attached papers:

Continued Prosecution Application (CPA) . . . . . \$710.00

Petition for Extension of Time . . . . . \$110.00

A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

*The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.*

Respectfully submitted,

Takeshi SAKAI et al.

By

Lee Cheng

Registration No. 40,949  
Attorney for Applicants

LC/gtn  
WENDEROTH, LIND & PONACK, L.L.P.  
2033 K St., N.W., Suite 800  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
June 7, 2001

[Check No. 44847]

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